

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Carrier Current Systems, including Broadband over Power Line Systems)	ET Docket No. 03-104
)	
Amendment of Part 15 regarding new requirements And measurement guidelines for Access Broadband Over Power Line Systems)	ET Docket No. 04-37
)	

To: The Commission

REPLY COMMENTS OF THE JOINT CABLE OPERATORS

The Cable Television Association of Georgia, South Carolina Cable Television Association, Charter Communications, Texas Cable & Telecommunications Association, Florida Cable Telecommunications Association, Inc., Mississippi Cable Telecommunications Association and the Virginia Cable Telecommunications Association (“Joint Commenters”), by their attorneys, respectfully submit the following reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Proposed Rulemaking*¹ published in the Federal Register on March 17, 2004.²

Joint Commenters hereby file these reply comments in support of the comments filed May 3, 2004 by the National Cable Telecommunications Association (“NCTA”) in this proceeding. In those comments, the NCTA noted the tensions and numerous

¹ *In re Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems*, Notice of Proposed Rulemaking, ET Docket Nos. 03-104 and 04-37, 19 FCC Rcd. 3335 (rel. Feb.23, 2004) (“*Notice of Proposed Rulemaking*”).

² 69 Fed. Reg. 12,612 (Daily Ed. Mar. 17, 2004). On May, 27, 2004, the Commission extended the deadline for filing reply comments in this proceeding through June 22, 2004. *In re Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems*, Order Granting Extension of Time, ET Docket Nos. 03-104 and 04-37, DA 04-1552 (rel. May 27, 2004).

disputes between electric utilities providing cable operators with access to poles, ducts, conduits and rights-of-way.³ The NCTA urged the Commission to provide the necessary resources to ensure vigorous enforcement of its pole attachment regulations as electric utilities deploy competitive communications services via Access BPL.⁴

Joint Commenters also reiterate and incorporate by reference herein their comments filed July 7, 2003 in the *Notice of Inquiry* in this proceeding, ET Docket No. 03-104.⁵ In those Comments, Joint Commenters asked the Commission to consider the policy implications of Access BPL on pole attachments in the scope of this proceeding.⁶ Further, Joint Commenters warned of anti-competitive electric utility practices relating to pole, duct, conduit and right-of-way access and requested that the Commission closely scrutinize utilities' engineering, pole loading, and audit requirements for third party communications attachers to check anti-competitive actions by utilities deploying Access BPL. Joint Commenters also asked the Commission to consider supplementing existing non-rate access and cost allocation precedent as Access BPL systems become commercially deployed.⁷

Joint Commenters welcome the Commission's efforts to encourage further competition in the provision of broadband communications services. At the same time, however, Joint Commenters seek to ensure that utilities deploying BPL systems do not use their monopoly control over poles in an anti-competitive manner. Accordingly, Joint

³ See Comments of The National Cable & Telecommunications Ass'n at 6-7 (filed May 3, 2003).

⁴ See *id.* at 6.

⁵ See Joint Cable Operator Comments in *Inquiry Regarding Carrier Current Systems, including Broadband over Power Line Systems*, ET Docket No. 03-104 (filed July 7, 2003) ("*Joint Cable Operator NOI Comments*").

⁶ See generally *Joint Cable Operator NOI Comments*.

⁷ See *Joint Cable Operator NOI Comments* at 2-6.

Commenters urge the Commission to specifically contemplate the previous requests of the NCTA and Joint Commenters in this proceeding.

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